

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ORAL DELIVERY OF ADENO-ASSOCIATED VIRAL VECTORS

the specification of which:

☐ is attached hereto.

☒ was filed on June 7, 1995, and identified as Attorney Docket No. SMTX-006/00US.

☒ was filed on June 7, 1995, as Application Serial No. 08/472,755.

and

☐ the amendment(s) of which were filed on .

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with title 37, code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) (Country) (Number) (Day/Month/Year Filed) Priority Claimed (Yes/No)

as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: Yale University
Address: 451 College St.
New Haven, CT 06520

☐ INDIVIDUAL
☐ SMALL BUSINESS CONCERN
☒ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements are made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: _____

Edward O. Lanphier II

TITLE OF PERSON OTHER THAN OWNER: Executive Vice President

ADDRESS OF PERSON SIGNING: 950 Marina Village Pkwy, #100, Alameda, CA 94501

See Above
Signature

8/18/95
Date

PATENT

SMTX-006/00US

Applicant or Patentee: Mathew John During
Serial No. Or Patent No.: 08/472,755
Filed or Issued: June 7, 1995
For: ORAL DELIVERY OF ADENO-ASSOCIATED VIRAL
VECTORS

**VERIFIED STATEMENT/DECLARATION CLAIMING SMALL ENTITY STATUS
37 CFR SECTIONS 1.9(f) & 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN: Somatix Therapy Corporation
ADDRESS OF CONCERN: 850 Marina Village Parkway
California 94501

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention identified above and described in

☐ the specification filed herewith
☒ application serial no. 08/472,755, filed June 7, 1995.
☐ Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify

☐ _____ issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: Somatix Therapy Corporation
Address: 850 Marina Village Parkway
California 94501

☐ INDIVIDUAL
☒ SMALL BUSINESS CONCERN
☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

Robert K. Bickerton

TITLE OF PERSON OTHER THAN OWNER

Director, Office of Cooperative Research

ADDRESS OF PERSON SIGNING

Yale University, New Haven, CT 06520

R. Bickerton
Signature

10/3/95
Date

PATENT

SMTX-006/00US

Applicant or Patentee: Mathew John During
Serial No. Or Patent No.: 08/472,755
Filed or Issued: June 7, 1995
For: ORAL DELIVERY OF ADENO-ASSOCIATED VIRAL
VECTORS

**VERIFIED STATEMENT/DECLARATION CLAIMING SMALL ENTITY STATUS
37 CFR SECTIONS 1.9(f) & 1.27(c) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Yale University
ADDRESS OF ORGANIZATION: 451 College St.
New Haven, CT 06520

TYPE OF ORGANIZATION:

- ☒ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code [26 USC 501(a) and 501(c)(3)]
☐ Nonprofit scientific or educational under statute of state or the United States of America

(Name of state:)
(Citation of statute:)

- ☐ Would qualify as tax exempt under Internal Revenue Service Code [26 USC 501(a) and 501(c)(3)] if located in the United States of America
☐ Would qualify as nonprofit scientific organization under statute of state of the United States of America if located in the United States of America

(Name of state:)
(Citation of statute:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 19(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention identified above and described in

- ☐ the specification filed herewith.
☒ application serial no. 08/472,755 filed June 7, 1995.

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Appl. Ser. No.</u>	<u>Filing Date</u>	<u>Status (Pat'd./Pend./Aband.)</u>
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I hereby appoint:

John W. Girvin, Jr.	22,706	Marcella Lillis	36,583
Willis E. Higgins	23,025	Craig P. Opperman	37,078
Tom M. Moran	26,314	Melya J. Hughes	38,696
Richard L. Neeley	30,092	John D. Mendlein	38,770
Luann Cserr	31,822	Kevin J. Zimmer	36,977
Jackie N. Nakamura	35,966		

my attorneys and agents with full power of substitution and revocation to prosecute my above-identified application for Letters Patent and to transact all business in the Patent Office connected therewith.

I further direct that correspondence concerning this application be directed to

COOLEY GODWARD CASTRO
HUDDLESON & TATUM
Five Palo Alto Square
3000 El Camino Real
Palo Alto, California 94306-2155
Telephone (415) 843-5000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Mathew John During

Inventor's signature

Mathew During

Date

8/15/95

Residence:

14 Cedar Lane
Weston, CT 06883

Citizen of:

New Zealand

Post Office Address:

Same

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